IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.288 OF 2006

Balu Rajaram Vishwase .. Petitioner

versus

Pimpri Chinchwad Municipal

Corporation & Anr .. Respondent

...

Mr.R.K. Mendadkar for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 29th August 2006.

P.C:-

1. Heard learned counsel for the petitioner.

2. This Contempt Petition is filed alleging breach of the order dated 14th September 2005 passed by this Court in Writ Petition no.5529 of 2005.

3. Respondent no.2 was elected as a Councillor of the respondent no.1 Municipal Corporation. In an Election Petition his election was set aside.

Respondent no.2 challenged the decision of the Court

setting aside his election by filing Writ a Petition bearing W.P.No.5529 of 2005. The said writ petition is admitted and following interim order is passed by this court on 14th September, 2005.

> "By way of interim relief, it is directed that the petitioner's membership of the house shall not be disturbed. He shall, however, not be entitled to cast his vote and shall not draw remuneration and allowance to which a corporator is entitled."

4. Learned counsel for the petitioner submits that the respondent no.2 contested the election for membership of the "Sports Committee" of respondent no.1 and thereby committed breach of the order of this Court.

5. By the order dated 14th September 2005, the decision of the Small Causes Court, whereby election of the petitioner as a counciler was set aside, was stayed. The stayed order was conditional. The

respondent no.2 was not entitled to cast vote nor to draw any remunaration or allowances. The respondent

no.2 has not cast his vote or any resolution nor has claimed any remuneration or allowances. He merely contested the election for the sports committee. He did not vote at the said election nor is it alleged as a member of sports committee, he took part in any voting on any resolution. In the circumstances, the condition imposed on respondent no.2 by the order dated 14th September 2005 has not been breached. In the circumstances the Contempt Petition is dismissed summarily.

D.G. KARNIK, J